

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:
Victor Soohoo,

Debtors.



Order Filed on July 2, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 19-32992 MBK

Adv. No.:

Hearing Date: 6/16/2020 @ 9:00 a.m..

Judge: Michael B. Kaplan

**ORDER CURING POST-PETITION ARREARS & RESOLVING MOTION FOR
RELIEF FROM STAY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: July 2, 2020


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Victor Soohoo

Case No: 19-32992 MBK

Caption of Order: ORDER CURING POST-PETITION ARREARS AND RESOLVING MOTION FOR RELIEF FROM STAY

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Specialized Loan Servicing, LLC, Denise Carlon appearing, upon a motion to vacate the automatic stay as to real property located at 145 Salem Road, North Brunswick, NJ 08902, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Andrew Thomas Archer, Esquire, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of June 22, 2020, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due January 2020 through June 2020 with \$1,892.79 in suspense for a total post-petition default of \$9,559.89 (6 @ \$1,908.78, less suspense balance of \$1,892.79)

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$9,559.89 shall be added to the affidavit of amount due and paid through Debtors' Chapter 13 plan; and

It **ORDERED, ADJUDGED and DECREED** that Debtor will file a modified plan within twenty days of the entry of this order; and

It **ORDERED, ADJUDGED and DECREED** that Debtor shall obtain a loan modification by October 1, 2020; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that the arrears are not to be paid while the loan modification is pending; and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if any of the cure payments or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor does not waive its right to collect pre-petition arrears in the event loss mitigation negotiations are unsuccessful; and

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Debtor: Victor Soohoo

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It is **FURTHER ORDERED, ADJUDGED and DECREED** that if loan modification is unsuccessful, Debtor shall modify the plan to address Secured Creditor's pre-petition arrears, either by curing the arrears, selling the property, surrendering the subject property, or in a manner otherwise permitted by the code; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume July 1, 2020, directly to Secured Creditor, Specialized Loan Servicing, LLC, P.O. Box 636007, Littleton, Colorado 80163 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if any of the cure payments or regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$181.00 for filing fees, totaling \$531.00, which is to be paid through Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Motion for Relief is hereby resolved.